

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TANNER W. ROTH, *et al.*,
Plaintiffs,

v.

LLOYD J. AUSTIN,
United States Secretary of Defense, *et al.*,
Defendants.

Civil Action No. 8:22-cv-03038

**DEFENDANTS' NOTICE OF RESCISSION OF THE COVID-19
VACCINATION REQUIREMENT**

Defendants hereby notify the Court that on January 10, 2023, in accordance with the National Defense Authorization Act for Fiscal Year 2023, the Secretary of Defense rescinded the COVID-19 vaccination requirement for military service members. *See* Ex. A (“Rescission Memorandum”) (rescinding the August 24, 2021 and November 30, 2021 memoranda requiring COVID-19 vaccination). The Rescission Memorandum provides that “[n]o individuals currently serving in the Armed Forces shall be separated solely on the basis of their refusal to receive the COVID-19 vaccination if they sought an accommodation on religious, administrative, or medical grounds.” *Id.* at 1. It further provides that the “Military Departments will update the records of such individuals to remove any adverse actions solely associated with denials of such requests.” *Id.*

Dated: January 11, 2023

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Respectfully submitted,

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